

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases

Case No. 16-cv-10444

Hon. Judith E. Levy  
United States District Judge

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This Order Relates To:

*Carthan v. Snyder*  
Case No. 16-cv-10444

*Walters v. City of Flint*  
Case No. 17-cv-10164

*Sirls v. Michigan*  
Case No. 17-cv-10342

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**STIPULATION REGARDING MOTION PRACTICE**

On December 21, 2018, the Court entered an Order in *Carthan v. Snyder*, No. 16-cv-10444, stating that it would “treat defendants’ responses to the motion for leave to amend as addenda to their previously filed motions to dismiss,” and would “then issue a single omnibus opinion adjudicating the motion for leave to amend and the motions to dismiss.” *Carthan*, ECF No. 714 (“December 21 Order”) at 2. That Order provided that Defendants could raise any objections to the Order, and any new arguments to motions to dismiss, by January 9, 2019, and that Class

Plaintiffs could respond by January 16, 2019. *Id.* at 3. The Court also indicated that the Parties should “take no more than **eight pages** to respond to [the] order.” *Id.*

Similarly, in *Walters v. City of Flint*, No. 17-cv-10164 and *Sirls v. Michigan*, No. 17-cv-10342, the Court directed the parties to brief the Plaintiffs’ motion for leave to amend “as if the Court has already granted it and the defendants are moving to dismiss.” *Walters*, ECF No. 187 at 1-2.<sup>1</sup>

On January 4, 2019, following the Sixth Circuit’s decision in *Guertin v. Michigan*, the Court held in abeyance the briefing schedules set forth in the December 21 Order, and the similar briefing schedules in *Walters* and *Sirls*, and ordered the parties to meet and confer regarding a new schedule. Jan. 4, 2019 Text-Only Order.

The Parties now propose that the Court’s December 21 Order and the briefing schedule in *Walters* and *Sirls* be amended in the following ways:

For *Carthan v. Snyder*, No. 16-cv-10444:

1. By January 22, 2019, Defendants may raise objections to the December 21 Order, if any, and should include any further arguments they would add to the motions to dismiss that the Court has not yet seen. MDEQ Defendants’

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<sup>1</sup> At the request of the Parties, a conference call was held to discuss motion practice in the *Walters* and *Sirls* cases on Thursday, January 3, 2019, at 1:30 pm. During this call, in clarification of its earlier order (*Walters*, ECF No. 187), the Court indicated that it has not ruled on the motion for leave to amend and will do so after reviewing all of the briefing.

collective brief may be 20 pages.<sup>2</sup> All other Defendants' briefs may be no more than 15 pages.

2. Class Plaintiffs may file an omnibus response to these briefs, of no more than 40 pages, by January 29, 2019.

For *Walters v. City of Flint*, No. 17-cv-10164 and *Sirls v. Michigan*, No. 17-10342:

1. By January 29, 2019, Defendants in *Walters* and *Sirls* shall file their response briefs regarding the Plaintiffs' motion for leave to amend the master complaint (and motions to dismiss the operative short-form complaints);
2. By February 26, 2019, Plaintiffs in *Walters* and *Sirls* shall file their reply briefs in support of their motion for leave to amend the master complaint (and responses to motions to dismiss the operative short-form complaints);  
and
3. By March 19, 2019, Defendants in *Walters* and *Sirls* shall file their surreply briefs.

The Parties in *Walters* and *Sirls* will enter separate stipulations regarding page limitations.

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<sup>2</sup> MDEQ Defendants include Liane Shekter-Smith, Patrick Cook, Stephen Busch, and Michael Prysby.

Dated: January 11, 2019

Respectfully submitted,

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